

APR 11 2011

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Group Art Unit: 1773
)	
Timothy M. Shively <i>et al.</i>)	Examiner: Kevin R. Kruer
)	
Serial No.: 10/729,587)	Attorney Docket No.: P477
)	
Filed: December 6, 2003)	Confirmation No.: 1576

Title: FIRE RETARDANT SHADES

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. 1.137(b)

This is a Renewed Petition under 37 C.F.R. 1.137(b) in response to the Decision on Petition mailed March 16, 2011, and a request for reconsideration of the Petition to Revive an Unintentionally Abandoned Application and Notice of Appeal that were filed on October 14, 2010. Applicants respectfully submit that as stated in the Decision on Petition no further petition fee is due, however, if any fees are deemed to be due, the Commissioner is authorized to charge any fees required to enter the Renewed Petition to our Deposit Account No. 50-0293.

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A Petition to Revive an Unintentionally Abandoned Application and Notice of Appeal were filed on October 14, 2010 by facsimile. Copies of the Petition and Notice of Appeal are attached as Exhibit A. A grantable petition requires:

- 1) the petition fee;
- 2) a reply;
- 3) a terminal disclaimer (if applicable); and
- 4) a statement that the entire delay was unintentional.

The first item, the petition fee and the fee for the Notice of Appeal were paid by credit card using Credit Card Payment Form PTO-2058, which was also submitted by facsimile (copy attached as Exhibit B with the credit card number redacted). The reply (item 2), in this case a Notice of Appeal, was filed along with the Petition. Since this application was filed after June 8, 1995, no terminal disclaimer (item 3) is required. Finally, the statement that the entire delay was unintentional (item 4) was properly included in the Petition.

The Decision on Petition states that the merits of the petition were not considered since the required fee was not paid, and the petition was dismissed. Applicants respectfully submit that the required Petition fee (\$1620), as well as the Notice of Appeal fee (\$540), were paid on the same date that the Petition and Notice of Appeal were filed (October 14, 2010). Applicants are resubmitting a copy of the Credit Card Payment Form PTO-2058 via facsimile, and this Renewed Petition and request for reconsideration is being filed electronically. Applicants respectfully request that the Senior Petitions Attorney reconsider the Petition and that a decision on the merits be made since the proper fees were paid (as shown by the attached Appendix B) and a copy is being resubmitted concurrently.

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Conclusion

Appellants respectfully submit that all of the requirements for filing a Petition to Revive an Unintentionally Abandoned Application have been met, as discussed above. Applicants therefore respectfully request that the Senior Petitions Attorney reconsider the previously submitted Petition and Notice of Appeal.

If there are any questions, the Senior Petitions Attorney is requested to telephone Applicants' representative at 413-730-2091.

Respectfully submitted,

Solutia Inc.

Dated: April 11, 2011

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